

The claims in the application are claims 2 to 8 and 10 to 13.

The Examiner has maintained the rejection of all the claims under 35 USC 103 as being obvious over the Hisa patent and the Kleijnen et al reference taken in view of the Remington's article and Park et al patent for reasons of record.

Applicant respectfully traverses this ground of rejection since one skilled in the art would not combine the references as the Examiner has done with the benefit of Applicant's disclosure. Claim 11 has been amended to claim alleviating the withdrawal symptoms of substance dependency or addiction which is in accordance with the teaching set forth in the specification and is consistent with the test presented therein. In order not to unduly burden the record, Applicant incorporates herewith the arguments with respect to the prior art set forth on page 2 of the December 14, 2001 response.


Applicant wishes to point out that the Ginkgo biloba extract does not primarily address the withdrawal symptoms in and of themselves but, rather, their origin. In any case, the symptoms of withdrawal of substance dependency or addiction are numerous and various as can be seen from the test in the specification as well as the Remington reference cited by the Examiner. At the time Applicant's invention was made, one skilled in the art could not have seriously contemplated to treat all the symptoms at the same

time simply by using a Ginkgo biloba extract even if combining the teachings of the cited references would have been obvious which Applicant does not agree with. In other words, there was no reasonable expectation of success before Applicant's invention was made and therefore, one skilled in the art would not combine the references as the Examiner has done with the benefit of Applicant's disclosure. Therefore, withdrawal of these grounds of rejection is requested.

In view of the proposed amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicant's patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,  
Bierman, Muserlian and Lucas

By:

  
Charles A. Muserlian #19,683  
Attorney for Applicant  
Tel.# (212) 661-8000

CAM:ds  
Enclosures



to <sup>said</sup> human being in need thereof a Ginkgo biloba extract in an amount sufficient to <sup>alleviate said</sup> ~~ease~~ withdrawal symptoms.

12. The method of claim 11 wherein the substance is selected from the group consisting of alcohol, tobacco, amphetamines and drugs inducing <sup>drug addiction</sup> ~~toxicomania~~.

13. The method of claim 11 wherein the extract is selected from the group consisting of <sup>or</sup> ginkgolide, a pharmaceutical salt thereof or a glycosylated, alkoxyated or acetylated ginkgolide.--

Claims 2 to 4, line 1 of each, cancel "Use according to claim 1" and insert --The method of claim 11--.

Claim 5, line 1, cancel "Use according to" and insert --The method of--.

Claim 6, cancel line 1 and insert --The method of claim 11 wherein the extract contains a compound of the formula--.

Claim 7, line 1, cancel "Use according to" and insert --The method of--.

Claim 8, cancel line 1 and insert --The method of claim 6 wherein--.